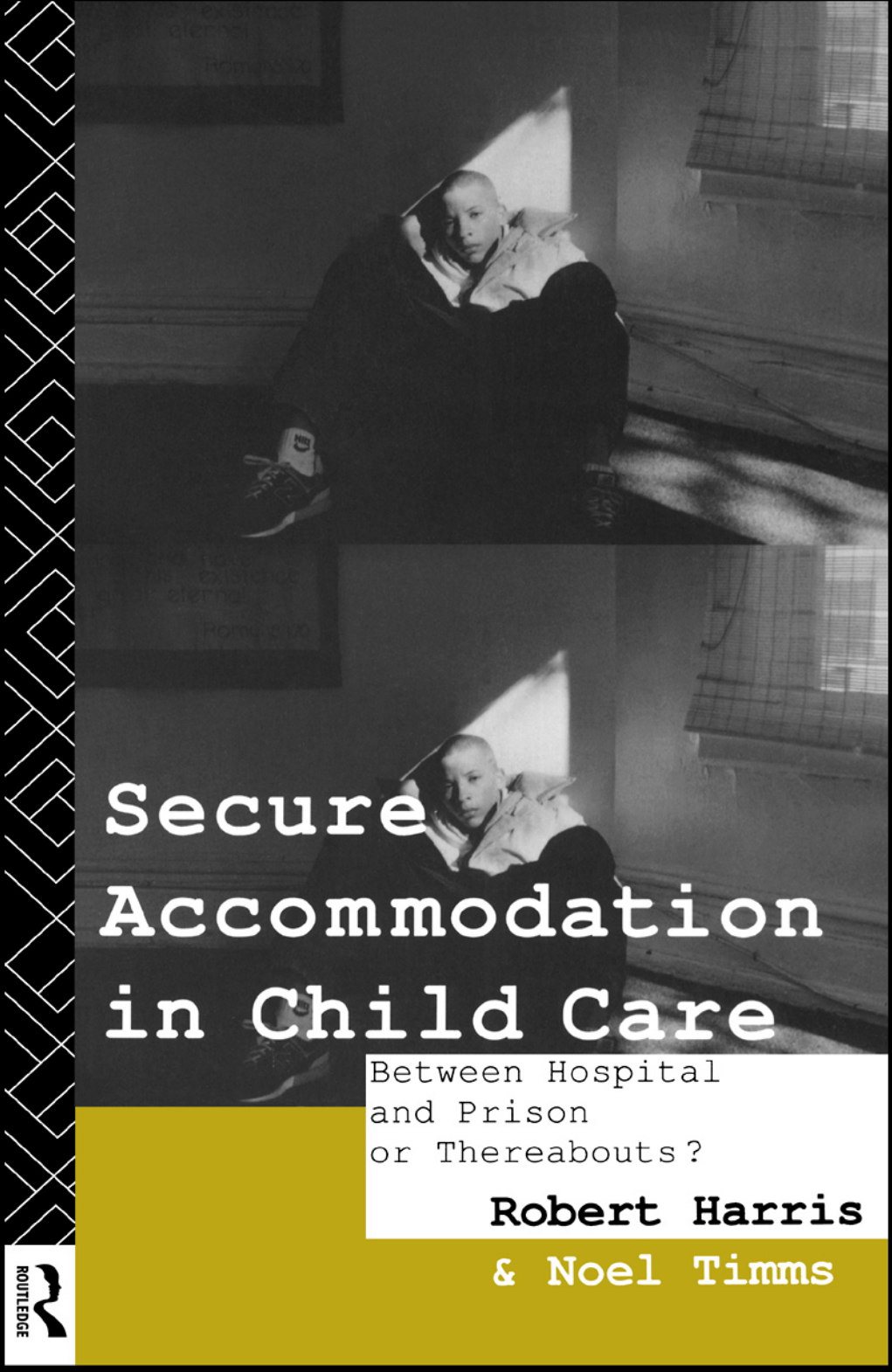

# Secure Accommodation in Child Care

## Between Hospital and Prison or Thereabouts?

Robert Harris
& Noel Timms

ROUTLEDGE

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# Secure accommodation in child care

Some children seem to present parents, teachers, social workers and courts with such serious or disparate problems that holding them in secure accommodation is apparently the only way to control them. How this comes about, and by what criteria social workers and courts help to make these difficult decisions, are the subjects of this intriguing and innovative book. In *Secure Accommodation in Child Care: Between Hospital and Prison or Thereabouts?,* Harris and Timms use a major empirical study of children in secure accommodation as a basis for an analysis of relations between the state, the family and the 'difficult' child. By synthesising literary and social science theories they examine court procedures and the experiences of social workers and the children themselves to explain how professionals and children make sense of their respective worlds, and how that 'sense' is translated into personal or professional action.

The functions of secure accommodation, although legally ascribed, are fundamentally ambiguous; to 'lock up' children by means of an authorised strategy which embraces both the 'sick' and the 'wicked' suggests the existence of a less than obvious relation between meeting 'needs', furthering 'interests' and protecting 'rights', and poses particular difficulties in professional decision making. The authors present a theoretical introduction which sets the scene in terms of history, law and social policy, and examines concepts fundamental to their enquiry, including myth, narrative and drama. By then relating this to the empirical study, including verbatim interviews with managers, social workers and children, they offer a radical recasting of an ambiguous aspect of public child care into a new theoretical and conceptual framework.

*Secure Accommodation in Child Care: Between Hospital and Prison or Thereabouts?* is essential reading for social service managers, social policy makers, social workers and health care professionals, as well as for students and lecturers in social policy and social work.

**Robert Harris** is Professor of Social Work in the University of Hull and **Noel Timms,** recently retired, is Emeritus Professor of the University of Leicester.

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# Contents

# Prologue

> A man I knew from France…said to me once, rather happily: 'France, you know, is a bad bourgeois novel.' I could see how far he was right: the modes of dramatisation, of fictionalisation, which are active as social and cultural conventions, as ways not only of seeing but of organising reality, are as he said: a bourgeois novel…. 'Well yes', I said politely, 'England's a bad bourgeois novel too. And New York is a bad metropolitan novel. But there's one difficulty, at least I find it a difficulty. You can't send them back to the library. You're stuck with them. You have to read them over and over.' 'But critically,' he said, with an engaging alertness. 'Still reading them,' I said.
>
> (Williams 1975:17–18)

This book grew out of a piece of research, but is not primarily a research report, seeking rather to use the subject of the research—secure accommodation in the child-care system—as a basis for a piece of social analysis, a case study in the relations of state, family (especially the deviant family) and child. It is a serious and sometimes complex book, but capable of being read at more than one level. Indeed it is integral to our purpose that this is so, for our audience will, we know, be diverse both professionally and academically. Our subject matter is difficult children, and how courts and professionals, in particular social workers, make decisions about them.

In order to make the book of value to professional readers, many of whom will be concerned with day-to-day issues surrounding the management of difficult children in difficult situations, we hope to paint a picture which both resonates with and clarifies their experiences, which articulates some of their dilemmas and helps them to work in a more reflective way. For policy makers, both at central and local government level, we hope to make some helpful suggestions. For social theorists, we hope to have broken new ground in our analysis of this particular corner of the relationship of state, family and child.

To address these various audiences competently requires the book to draw, at least in part, on the reformist tradition of policy and practice. It will become clear from our theoretical approach, however, that our habitation of this territory is somewhat equivocal. It is primarily (though by no means exclusively) to our more academically inclined readers that we address our equivocations, and for them that we identify the more theoretical meanings which emerge from the discourse within which this book is situated. For our enquiry will take us also into the more critical traditions of narrative, semiotics, postmodernism and post-structuralism, traditions which, though by no means new in themselves, are unusual accompaniments to a study of social policy and social work (though for examples of more tentative feints into some of these spheres, see Rojek *et al.* 1988, 1989).

To address multiple audiences is by no means necessarily to write a multiplicity of books, though like all but the most simple texts this one inhabits, as we all do, a world of paradox, ambiguity and contradiction. Certainly there are times when our theoretical analysis serves as an ironic gloss on our reformist aspirations, but at other times we hope that the imperative of relevance ensures that any Promethean tendencies remain incipient. Though complete integration of our perspectives is impossible, situating them in dialectical coexistence should be feasible; certainly the forms of knowledge we utilise are themselves interrelated. Since some parts of our analysis, including the 'accounts' of secure accommodation provided by professionals and children alike, are also intrinsically interesting and sometimes moving, we hope that this book, though sometimes complex, will be useful and stimulating for a wide range of readers.

The view which is occasionally expressed, at least in the field of social work (even on occasion by reviewers), that if a book cannot be understood easily by a busy (and by implication distracted) practitioner while eating a sandwich in the staff room it is probably not worth the effort, seems to us highly questionable. That complexity is sometimes manufactured by supposed experts, either for reasons of professional imperialism or, less insidiously and more simply, through linguistic infelicity, is beyond question; but to suggest that all complexity is of these kinds is philistine. The necessity or otherwise of our own more complex passages is, however, for readers, not authors, to determine.

Quantitatively, secure accommodation is but a small part of a large field. While up and down the country hundreds of thousands of children pass annually through the hands of social workers, only a few hundred find themselves, in the words of other researchers in this field, 'locked up' (Millham *et al.* 1978) in secure accommodation. As we wrestled with the ambiguities of secure accommodation, however, we came to appreciate that to study a small subject is not necessarily to be arcane or irrelevant. Just as,in the semiology which we shall encounter later, signifiers derive their meaning

not from their intrinsic properties but from their relations to the sign system as a whole, so does secure accommodation derive meaning and logic from, and impart meaning and logic to, the whole complex relation of state, family and individual. If secure accommodation were not there, these relations would, in significant ways, be different.

This is both a general theoretical point and indicative of a particular trait of secure accommodation, something of the flavour of which is to be found in our sub-title (for the basis of which an anonymous professional respondent is to be thanked). Hospitals treat the sick, prisons hold the culpable; and secure accommodation, as we shall see, holds some youngsters said to be 'sick', some said to be 'wicked', some said to be both and some whom nobody seems to think are either but who do not quite fit in anywhere else.

The functions of secure accommodation, though legally ascribed, are analytically and professionally ambiguous, and much of what follows derives from this ambiguity. To 'lock up' children by means of an authorised strategy which embraces both 'sick' and 'wicked' is to suggest the existence of an interesting and less than obvious relation between meeting 'needs', furthering 'interests' and protecting 'rights', and to signal much about contemporary views on adolescent development, the nature of family and childhood, and juvenile crime.

There is also the intriguing ambiguity of the very concept 'secure'. Who (or what) are the subject and predicate of security? Is its purpose to provide an insecure youngster with psychological 'security', to provide the rest of us —adults and children alike—with 'security' from the youngster, or both? To some it is the former; to others of more cynical bent the latter, albeit sometimes disguised as the former, and with the secondary purpose of meeting the self-aggrandising demands of the child-care professionals as they engage in the endless pursuit of ever more children in need of their expertise and, in consequence, ever more resources.

We shall present a more complex picture. While not disagreeing with either of the most authoritative texts in our field (Millham *et al.* 1978; Cawson and Martell 1979) that subterfuge and aggrandisement exist (doubtless they flourish here as in all walks of life), we shall question whether these are sufficient conditions to explain both the usage and expansion of secure accommodation. We shall argue in the first three chapters that the dualistic mode of analysis—that secure accommodation is to be viewed *either* as benign and therapeutic *or* as cynical and covert oppression—is itself the product of a particular culture at a particular historical moment, and that to have a more rounded understanding of secure accommodation we must examine not only secure accommodation itself, not only child care, not only the relation between state and family, but alsohow all these together are understood in contemporary culture. It is not that the contemporary state cares for children or protects society; clearly it does both. The more interesting question is how the resulting practice of child care is

understood and managed by the key actors in the drama. To understand that in turn, we must acknowledge and penetrate the official 'ideologies'[1] of childhood, family and state in order to discover how people make sense of their worlds. This, for reasons which will become clear, will take us into the world of literary and cultural theory, and in particular that of narrative.[2]

More questions follow. Supposing secure accommodation were abolished: what impact would this have on the rest of the child-care system? Would it contribute, as some reformers suggest, to a withdrawal of state control, or only to its displacement? The importance of questions such as these transcends the 'mere' issue of a disposal affecting a few hundred children a year, and it is matters of this kind which are addressed in this book. We begin by setting the scene in terms of history, law and social policy, providing the information necessary to make sense of what follows. In Chapter 2 we offer a brief revisionist history of the family, introducing a number of new concepts, including the key one of mythology.[3] Chapter 3, which draws the first, theoretical, part of the book to a close, develops a further theme—the use of forms of literary theory, notably narrative and drama—to help us further our enquiry.

The second part of the book then relates these theoretical ideas to the empirical study of secure accommodation. In Chapters 4 and 5 we report selected elements of our study of secure accommodation, focusing on the recorded transcripts of interviews about secure accommodation conducted with senior managers, professional workers and children. In Chapter 6 we report our observations of juvenile courts in action, determining whether or not local authorities shall be authorised to hold children in secure accommodation; and from this we distil a number of conclusions, some theoretical and some practical, which we present in Chapter 7. That we do not reproduce there all the twenty-six recommendations of our original research report is significant: time has moved on, some of our suggestions have come to pass, others have been overtaken by events. And, to reiterate our first sentence, this is not a research report, but a recasting into a new and we hope illuminating theoretical and conceptual framework of some of what we learned in the course of our work. Accordingly, for the most part Chapter 7 reflects what we report here, not the totality of the research; but we believe it to be significant none the less, and hope it is interesting.

# Acknowledgements

Many friends and colleagues, none of whom bears responsibility for this book's final form, have helped and advised us in its preparation. Particular thanks are due to Ms Mary Henkel of the Department of Government, Brunel University; Mrs Rita Timms, formerly of the Values Centre, University of Leicester; Ms Kathy Laster of the Department of Criminology, University of Melbourne; Mrs Linda Burnham, Guardian *ad litem,* Hull; and, by no means least, to the first author's colleagues at the University of Hull: Dr Subrata Mitra of the Department of Politics, Mr Martin Parry of the Law School, and Dr Marion Shaw of the Department of English.

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# Part I

## Theoretical background

History, literature and social theory

# 1
# Secure accommodation outlined

> In the war waged by the State against irregular families…the child is no more than a pretext and a hostage. Parental authority is an instrument distributed by the State, which the State consequently has the power to retract. The absolute weapon of those who inspect how families run their lives is to take away, or threaten to take away, the children. All children who are 'guilty' or 'unhappy' or 'irregular' or 'neglected', to use the expressions most current in the mouths of philanthropists, come from a poorly kept family.
>
> (Meyer 1983:11–12)

> What we've never done is give the opportunity for children to stay in secure accommodation without a secure order, which is an interesting way to use it.
>
> (Interviewee)

## SECURE ACCOMMODATION: AMBIGUITY IN ACTION

Secure accommodation is available to, and normally provided by, local authorities for use in respect of three main categories of youngster: children[1] committed to care,[2] those remanded awaiting trial or sentence[3] and those serving sentences of detention under the Children and Young Persons Act 1933 (section 53). We shall have more to say about these youngsters later.

Since 1983, in order to hold a youngster in secure accommodation for more than 72 hours in any 28-day period a local authority has had to obtain an authorisation from a juvenile court (see Appendix A). Prior to this there existed few restrictions on local authorities' use of such accommodation, and our research was commissioned to study the impact of the new legislation on the practices of local authorities. At the time of the study an authorisation could be granted on one of two main grounds: briefly, that thechild, having a

history of absconding, was likely to abscond again and, if he did so, was likely to put his physical, mental or moral welfare at risk;[4] or that the child, if not kept in secure accommodation, was likely to harm himself or others. The length of time a child may be held in secure accommodation is specified by regulation; then as now it was 3 months at a first hearing and 6 months on renewal.

In spite of occasional appearances to the contrary, an authorisation is not a sentence; indeed the local authority is not empowered to hold a youngster in secure accommodation once the circumstances which led to the making of the authorisation have ceased to exist: the 3- and 6-month periods are maxima, and early release is formally encouraged. As we shall see later, however, things are not so simple in practice.

Secure accommodation is a fundamentally ambiguous facility, and to view it in isolation from the much larger child-care and delinquency systems of which it is a part is to miss both the nature and significance of this ambiguity. Secure accommodation is both incarceration and an alternative to incarceration, a form of control imposed in order that care can be provided. This has certain ramifications, all of which suggest the likelihood of continuing pressure to expand the system. Politically, as a humane form of custody with therapeutic aspirations it has an attractiveness to both the liberal rehabilitative and the conservative law and order lobbies; professionally, by embracing both youngsters who would otherwise be in less pleasant institutions and those who would otherwise be in open conditions it has created pressure for more 'experts', better trained and with enhanced influence and status. In secure accommodation the penal and the therapeutic, the controlling and the caring converge, and the resulting ambiguity is central to the system's logic. Secure accommodation is the point at which the protection of children and the protection of others against those same children merge into a single carceral disposal.[5]

Ambiguity presents problems and opportunities for both policy makers and front-line professional workers, and the rules of engagement derive ultimately from the fact that secure accommodation seeks to address three contested issues, all of them intrinsically complex as well as controversial — those of needs, rights and interests. The necessity of maintaining an equilibrium among these concepts, affording sovereignty to none, means that the conventional attempt to eliminate ambiguity by rule making can only take us so far. For not only are rules regularly ignored or manipulated by those subject to them, but they are by nature general, while each 'case' is unique, with its own combination of characteristics seldom amenable to simple or routine interventions: applying general rules to specific cases necessitates discretion, for there is seldom only one possible answer. This point is accentuated when a single disposition is required, as this one is, toengage with concepts which, if unyoked from each other, would take us in quite different directions. Accordingly as we progress we shall see that attempts to

use secure accommodation solely within a framework of rights *or* needs *or* interests is by no means to simplify but to be simplistic.

Obviously ambiguity is by no means unique to secure accommodation. Because it facilitates strategic and flexible policy implementation it is indispensable to many penal disposals (Harris and Webb 1987:163), other social policies (Harris 1990) and indeed the interpretation of statute generally (Zander 1980: ch. 2). In criminal justice it reflects the belief that there is seldom a 'right' sentence in a given case, and allows for changes in circumstance during the course of the disposal. Both community service orders and the range of prisons, from 'open'[6] establishments on the South coast to dungeon-like institutions in remote corners of northern England, provide just this form of manoeuvrability: the finer a system's calibrations the greater its utility (Cohen 1985; Harris and Webb 1987).[7] The calibrations both build in a legitimate and necessary role for experts (who inevitably determine these fraught allocations) and create a logical system of rewards and punishments as individuals are, on the basis of their conduct and response to treatment, moved along the continuum of harshness and care. This in turn transforms the sentence from an event into a process, a site for a succession of determinations influenced less by the original crime than by the subsequent behaviour of the criminal.

Secure accommodation, in embracing not only different categories of offender but also non-offenders, seeks simultaneously to meet the needs of disturbed or unfortunate youngsters and to inject discipline and structure into the lives of the deviant young. For secure accommodation is precisely the locus in which the question of whether a child has committed an offence or is in some other way problematic ceases to matter. And the decisiveness of this expression of the state's interest in the realm of family and childhood deviance teaches us much both about the state and about its management of families and children. This is why, if we are to understand secure accommodation, we cannot examine secure accommodation alone. This first chapter, therefore, provides both basic information about the system and some of the analytic equipment necessary to enable us to complete our journey in reasonable shape.

At the most abstract level, extracted from their historical, social, political, administrative and cultural contexts, the words 'secure' and 'accommodation' are of course meaningless. Even if we concede a general area of shared understanding—that 'secure accommodation' is an amalgam of the name given to certain categories of buildings of containment and the laws which permit that containment—the 'meaning' of such buildings and such laws derives both from the social purpose of holding children in thisway and from the manner in which the holding relates to other options available.

The taken-for-granted assumption that there must *be* secure accommodation arises from certain historical trends in child-care policy. In a long historical perspective these have involved the gradual *distancing* of

provisions for juvenile offenders and adult criminals, and the complementary *merging* of facilities for delinquents and needy children (Heywood 1978; Packman 1981; Harris and Webb 1987). These shifts have not always been smooth; they too have about them an ambiguity acknowledging the awkward coexistence of deprivation and malevolence, for the misbehaviour of the young is conventionally regarded as a blend of personal or social misery and deliberate crime, and the social response to delinquency must accordingly involve the coexistence of the notions that crime is the product of external social forces and that it is deliberately chosen. The fates may not have dealt a good hand to many of the children who concern us in this book, but in contemporary political discourse the children are none the less blameworthy for succumbing to temptation.

## JUVENILE DELINQUENCY: THEMES AND ISSUES

Until the early nineteenth century there was no readily available concept of juvenile delinquency. This is not to deny that youngsters committed crimes, that the period we would now term 'adolescence' was perceived to be 'difficult', that there existed humane judges, or that day-to-day accommodations were made to what was, then as now, perceived as the immaturity of youth. It is rather to argue that since 'juvenile delinquency' was not of a distinctive form no specific strategies had been created to deal with it.

Such strategies began in mid-century, stemming, depending on our approach to history, from the efforts of individual 'great men (or in this case women) of history' who by passion, commitment and eloquence swayed nations to their point of view; from a collective humane concern about the social costs of industrialisation; or from the class interests of the mercantile bourgeoisie in stemming the threat of revolution which had materialised in many countries in continental Europe between 1789 and 1848, and in creating a compliant labour force for the mills and factories. As our own story unfolds, however, it will become apparent that to us none of these encapsulated ideas adequately embraces the inchoate nature of the social understanding of, and response to, the amalgam of youthful experience and behaviour which we term 'delinquency'. For this book does not posit policy development as linear and progressive, with the state moving inexorably towards greater rationality, efficiency or humanity. Our image, on the contrary, is of the various arms of an anything but monolithic stategrappling as best they can, first with the often unanswerable problems posed by deviant and distressed children and secondly with the unintended consequences of their own earlier and unsuccessful endeavours.

Before the 'creation' of juvenile delinquency there existed conceptually distinct categories of childhood need and adult crime. The crucial contribution of the concept juvenile delinquency to understanding each was

that it bridged the two. Juvenile delinquency, though in contemporary discourse it is used synonymously with 'juvenile crime', refers, literally, to 'neglect of duty', and involves simultaneously addressing on the one hand immaturity and deprivation, and on the other criminality, all of these being inextricably intertwined in the small person of the child. And it is essential to understand that the carceral structures created as a response to juvenile delinquency are not mere responses to it but central aspects of the social construction of the concept itself (Foucault 1977). To have been a 'provie [approved school] boy' or a 'Borstal boy' is to carry a signification not only of the institution in which one happens to have been contained but of one's own characteristics, experiences and conduct. Hence:

> The delinquent is not the author of a criminal act pure and simple, rather the delinquent is a life, a collection of biographical details and psychological characteristics. The delinquent is also 'an object' in a field of knowledge, a field patrolled by experts—jurists, but also psychologists, social workers, in short a whole series of professional biographers, whose task has been to change the reference point of criminality from the act to the life.
>
> (Boyne 1990:116)

This intertwining has complicated the notions of both childhood and crime (see, for example, Bailey 1987), creating policy problems to which secure accommodation constitutes one attempted solution. So our image of 'childhood' carries traces of self-seeking voluntarism *and* helplessness or immaturity; the child cries out both to be socialised *and* to be loved. And though lower-class children in particular may experience disadvantage and pain they have opportunities too, which they must be encouraged to grasp. It is in part in furtherance of this that the state's functions turn both on meeting needs and interests and on protecting rights. When, however, the helping hand of the benign state is spurned and the crimes continue, persuasion and control become necessary. While this does not make the benignity of the state a fraud, it endows it with a certain conditionality, rendering it, perhaps, a clause in an individually renegotiated social contract: the state gives more to the child, but in return expects more back. The child delinquent, therefore, is to be punished yet helped, and in varying proportions depending on the nature of the 'case' as determined bylaw and professional opinion. Nor, however, can the family which, both responsible and not responsible, culpable and not culpable, plays a complex role, be left outside of this process: while it is over the child that the court stands in judgment, the judgment is of a particular and qualified kind which by no means excludes the possibility of advising or rebuking the parents. While allowances are made because, had the child had better parents he or she would not be in trouble, the existence of bad parents is of itself insufficient justification for

delinquency. How else, therefore, is the state to respond but by an amalgam of care and control directed not solely at the child but at the family too? However complex in practice sustaining such a duality may be, analytically it is difficult to see how else to proceed.

These seemingly contradictory responses to the delinquent child have different historical traces. We are carriers of successive 'dominant' views of history, cumulatively not substitutively, and these views coalesce to 'create' today's images of childhood. These images are not simple, and we must avoid the trap of believing that we have an agreed 'image of childhood' which guides our actions and beliefs. First, except in the case of very young children we seldom regard the child as qualitatively different from the adult; secondly, we do not regard children of all ages as homogeneous in the way that we may conceive, say, of a 'responsible' adult; thirdly, we cannot decide how to determine whether and to what extent children can exercise the responsibilities and discharge the obligations of citizenship (Harris, J. 1982); and fourthly, we tend to regard 'childhood' as a voyage, a form of progress towards the threshold of maturity. Hence it is 'obvious' that the 15-year-old should be more mature than the 10-year-old in a way that it is not 'obvious' that a 35-year-old should be more mature than a 30-year-old. The mutability of childhood, which contrasts so strikingly with the relative stasis of adulthood (at least until the onset of old age), offers a bewildering and contradictory array of images on which to draw in a particular 'case'. So complex is this activity indeed that it can only be undertaken by experts, whose selection and application of explanatory theories are prerequisites for authoritative judgements (Harris and Webb 1987: ch. 2).

This is, of course, very much a twentieth-century perspective from which to view the nineteenth century's nascent attempts to create structures to address this phenomenon of delinquency. In spite of piecemeal attempts to distinguish the treatment of young from that of adult offenders in the early years of the last century (Harris and Webb 1987:10–11), it was reformatory and industrial schools, instituted in the 1850s, which were the most significant developments, signifying as they did the more systematic segregation of young and adult offenders. Reformatory schools, for Mary Carpenter's designated 'dangerous classes', received legislative sanction inthe Youthful Offenders Act 1854, quickly becoming the standard disposal for a second offence (though always following a period of hard labour, in order both that punishment was inflicted and that the child arrived suitably chastened). Industrial schools were initially for those 'at risk' non-offenders designated the 'perishing classes' (Carpenter 1851; see also Manton 1976).

We see in this realignment of adult criminals, juvenile criminals and needy children only an interim stage in the reconceptualisation of delinquency which has since occurred. The creation of reforming institutions for youthful offenders and, separately from that, of corrective institutions for the wayward pre-delinquent constitutes an acknowledgement of the 'separateness' of adult

and young offenders but not yet of the relative interchangeability of the dangerous and perishing classes. The inadequacies of this division, however, quickly became manifest. The perishing classes contained many vagrants, a group which, because they would not stay 'placed', had traditionally worried the ruling classes. One contemporary account noted that two-thirds of London criminals had 'migratory habits' (Day 1858:76; see also Tobias 1972: ch. 5; and Priestley 1985:57), and the removal of street children who seemed at once miserable and threatening was attractive both to the self-interested bourgeoisie and to the reforming conscience. The Industrial Schools Act was passed in 1857 and steadily extended, notably in 1866 and 1908, by which time was permitted the commitment of children aged 7 to 14 who were vagrant, begging, destitute because their parents were serving penal servitude, under the care of a drunken or criminal guardian, frequenting the company of reputed thieves or prostitutes or residing in premises used for prostitution.

Though provisions of this kind were not new, and it may indeed be that the idea of industrial schools is 'as old as the poor law' (Rose 1967:4), the second half of the nineteenth century, in which industrial schools were holding some 15,000 children at any one time, remains the apotheosis of the attempt at the institutional socialisation of the young. A trade-off began to occur between unpleasantness and length of sentence, and so great was political confidence in the reformatory school system that by the end of the century even the short periods of pre-reformatory hard labour were abolished (Reformatory Schools Amendment Act 1899). All sentences of imprisonment on children were abolished by the Children Act 1908.

Both kinds of school were involved, with largely interchangeable children, in the enterprise of training them for the factory or domestic labour for which they were normally destined. Both operated, more through administrative convenience than theoretical purism, regimes based on uniformity; both emphasised the merits of absolute conformity; both were strongly driven by the imperative of religious instruction; both, ironicallygiven Mary Carpenter's loathing of the Parkhurst experiment, resembled nothing so much as the prison—as though there were no other model on which their operations could be based. Both reformatory and industrial schools sought to resocialise the deviant or potentially deviant young by long-term correctional placement, and the sanction given the schools signified the state's determination to intervene actively in the lives of children not only as they would in those of adults—as a response to crime —but in a manner which reflected the particular economic and social 'value' of childhood.

Hence the introduction of reformatory and industrial schools signified a rupture of the assumption that juvenile crime was simply a modified form of adult crime, though there was as yet little conception of an alternative framework by means of which to comprehend 'delinquency'. No formalised discipline of psychology yet existed to explain the existence of this new and

ambiguous form of deviance, and the notion of 'difference' could therefore be couched only in that sphere of theologically driven humanitarianism which existed, in a pre-Freudian era, in the space later to be occupied by the analytic, developmental, cognitive, moral, social and behavioural psychologies. The more significant shifts occurred, therefore, with the new political and economic value which, from the final years of the nineteenth century, came to be attached to childhood. This was reflected penologically in the move away from theories of uniformity towards indivi-dualisation (Gladstone Report 1895) and continued in the child welfare legislation of the Asquith administration (1906–14) with its introduction of the School Medical Service, school meals, health visitors, probation, Borstal training, juvenile courts and the prohibition of cigarette sales to, and the imprisonment of, children.

Significantly, it was this era too when a new ambiguity again became manifest. The simple distinction between dangerous and perishing classes had proved unsustainable by the end of the century, and industrial schools legislation began increasingly to include younger thieves in these schools, partly to prevent *them* from being contaminated by the more sophisticated of the reformatory schoolchildren and partly for administrative convenience (Rose 1967). More significant still was an official report of 1896 which, in arguing that there was no significant difference in the regimes of, or in the children held in, the two kinds of school (*Report of the Departmental Committee on Reformatory and Industrial Schools* 1896), initiated a process culminating in the merging of the schools themselves in the Children and Young Persons Act 1933.

This process was hastened further by the decline in the usage of these facilities following the introduction of compulsory education, the expansion of the Probation Service and increasing objections by penal reformerssuch as the Howard Association (Bochel 1976:15) and influential magistrates (Clarke Hall 1926:142) to over-dependence on institutions. Some courts, to government consternation, had taken to using reformatory and industrial schools interchangeably with the conditions of residence which could be attached to probation orders, and the ensuing reductions in the usage of the schools, combined with official acceptance that probation supervision was suitable for non-delinquent as well as delinquent children (Departmental Committee Report 1927), meant that the continuation of a dual system was neither defensible nor practicable.

Home Office Approved Schools, for offenders and non-offenders alike, came into being following the implementation of the Children and Young Persons Act 1933. This Act, the first to lay upon the courts the obligation to 'have regard for the welfare of the child or young person' (section 44), reduced the maximum period of commitment from five years to three, but extended the range of youngsters liable to commitment both in age and problem category (Harris and Webb 1987:16). Cases where the 'welfare of